REMARKS

This is in response to the *Final* Office Action of October 15, 2007, where the Examiner has rejected claims 1, 3, 6, 7, 9, 13, 15, 18 and 20. An early allowance of outstanding claims 1, 3, 6, 7, 9, 13, 15, 18 and 20 in view of the following remarks is requested.

A. Rejection of Claims 1, 3, 6, 7, 9, 13, 15, 18 and 20 under 35 USC § 103(a)

The Examiner has rejected claims 1, 3, 6, 7, 9, 13, 15, 18 and 20, under 35 USC § 103(a), as being unpatentable over Wildfeuer, et al. (USPN 6,829,244) ("Wildfeuer") in view of McNeill, et al. (USPN 7,161,962) ("McNeill") and further in view of Schulzrinne, et al. ("RTP Payload for DTMF Digits, Telephone Tones and Telephone Signals," RFC 2833, IETF, May 2000) ("RFC-2833"). For the reasons stated below, applicant respectfully disagrees.

Applicant respectfully submits that the cited references, individually or in combination, fail to disclose, teach or suggest the following elements of claim 1: "detecting an answer tone transmitted from said first modem over said first communication line in response to said placing; transmitting a first message indicative of said answer tone to said second gateway device over said packet network; detecting a phase reversal in said answer tone; and transmitting a second message indicative of said phase reversal to said second gateway device over said packet network."

First, with respect to Wildfeuer, it is respectfully submitted that the operation of the system of Wildfeuer is quite different than the invention of claim 1. In Wildfeuer, packet network gateway 106b (which corresponds to the first gateway of claim 1) does not transmit a first message indicative of the answer tone generated by modem 102b to packet network gateway 106a (which corresponds to the second gateway in claim 1), and also does not transmit a second

message indicative of the phase reversal generated by modem 102b to packet network gateway 106a. Rather, as described in Wildfeuer at col. 5, lines 31-47, the answer tone with phase reversal is passed through packet network 110 to packet network gateway 106a, and packet network gateway 106a itself performs the detection of the answer tone with phase reversal. In other words, packet network gateway 106a does not receive messages from packet network gateway 106b regarding the answer tone, but packet network gateway 106a receives the actual answer tone signal that is passed through the packet network, and packet network gateway 106a itself detects the answer tone.

> To set up a modem connection between the calling modem **102***a* (FIG. 1) and the answering modem **102***b* (FIG. 1), the calling modem **102***a* sets up a call using a voice compression standard such as, G.729(a), G.729(b), G.711, G.726, G.723.1, G.729 or any other voice compression standard. This call is like a voice call. In response to the request to set up a call, the answering modem **102***b* returns a modem signal commonly referred to as an answer back tone to the calling modem **102***a*. Answer back tone is detected by the TDET **212**. Upon the detection of answer back tone by the TDET **212**, the PCM controller **112***a* changes to modem mode.
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> In modem mode, the PCM controller **112***a* implements the G.711 protocol. The PCM controller **112***a* disables the VAD **210** and the ECAN **208**. The memory controller **214** in the jitter buffer **114***a* controls the playout delay of the memory **204**.

However, the detection of answer tone, and in particular with phase reversal, by packet network gateway 106a (which corresponds to the second gateway in claim 1) may not be properly performed due to various issues, such as packet network delay, jitter, compression, etc. In short, Wildfeuer's system passes through the answer tone for detection by the remote gateway, and does not disclose transmitting a message regarding the answer tone from packet network gateway 106b to packet network gateway 106a, let alone disclosing, teaching or suggesting the transmission of a first message indicative of said answer tone and then the transmission of a

second message indicative of the phase reversal from packet network gateway 106b to packet network gateway 106a.

With respect to the new cited reference, i.e. McNeill, the Examiner states that McNeill discloses a detection circuit that continuously detects an answer tone and then declares that a phase reversal is present. Applicant respectfully submits that the detection of an answer tone and a phase reversal has been known in the art and applicant does not assert that detection of an answer tone and a phase reversal represents any point of novelty. In fact, the existence of an answer tone and a phase reversal, by nature, requires a detector. It is also understood that phase reversal is determined after the detection of answer tone. Therefore, it is respectfully submitted that applicant does not appreciate the significance of replacing Ahmad with McNeill by the Examiner, and as to how the addition of McNeill renders applicant's arguments in response to the previous office action moot.

As stated in response to the previous Office Action with respect to Ahmad, applicant respectfully submits that the invention of claim 1 is not about the detection of answer tone, phase reversal or the circuitry to achieve the same. Rather, there is no teaching or suggestion in either Wildfeuer or McNeill to detect an answer tone at the first gateway, which is in direct communication with the answering modem, and to transmit an answer tone message, and then to detect a phase reversal and to transmit a phase reversal message to the second gateway.

Turning to RFC-2833, the Examiner states that RFC-2833 supports modem tones ANS, /ANS, ANSam and /ANSam. However, it is respectfully submitted that RFC-2833 fails to disclose, teach or suggest how and when the messages are utilized, and even more importantly, RFC-2833 also fails to show a phase reversal message separate from the answer tone (or amplitude-modulated answer tone) message. Rather, RFC-2833 only shows a combined message

(i.e. /ANS and /ANSam). In other words, there is no disclosure, teaching or suggestion in RFC-2833 that when a first gateway modem detects an answer tone, the first gateway modem transmits an ANS message to a second gateway modem, and that when the first gateway modem later detects a phase reversal in the answer tone, the first gateway modem transmits an /ANS message to the second gateway modem following the transmission of the ANS message. Rather, RFC-2833 merely defines the messages, and does not describe various schemes for utilization of the messages, as that is beyond the scope of RFC-2833. Further, conventional schemes, which use RFC-2833 messages, after detecting the answer tone, wait to determine whether the answer tone includes a phase reversal, and if there is no phase reversal, transmit a single message, such as ANS or ANSam, to the second gateway modem, and if there is a phase reversal, transmit a single message, such as /ANS or /ANSam, to the second gateway modem.

Applicant respectfully submits that because the phase reversal appears every 450ms, transmission of a single and combined message creates a delay, because it would require the first gateway to wait for the phase reversal to occur before determining the type of message to be sent to the second gateway. As a result, the second gateway cannot start generating an answer until the single and combined message arrives from the first gateway. In contrast, the invention of claim 1, as amended, provides for separate messages, and as a result, the second gateway receives the answer tone message first and starts generating an answer tone, without any delay, while the first gateway may be determining a phase reversal to send a second message to the second gateway.

Accordingly, for the reasons stated above, applicant respectfully submits that claim 1, as amended, is patentably distinguishable over Wildfeuer, McNeill and RFC-2833, individually or in combination, and should be allowed. Further, independent claims 7, 13 and 18, as amended,

should also be allowed for similar reasons. Also, claims 3, 6, 9, 15 and 20 depend from claims 7, 13 and 18, and should also be allowed.

B. Terminal Disclaimer

Along with the present response, applicant has submitted a terminal disclaimer in view of U.S. Application Serial No. 10/253,352, assigned to the same assignee as the present application, which has been cited as US2003/0095544 in the Information Disclosure Statement filed in conjunction with filing of the present application.

C. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1, 3, 6, 7, 9, 13, 15, 18 and 20 pending in the present application is respectfully requested.

Respectfully Submitted,
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